

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

In re:)
) Chapter 11
MERCY HOSPITAL, IOWA CITY,)
IOWA, et al.,) Case No. 23-00623 (TJC)
)
Debtors.) Jointly Administered

MOTION FOR RELIEF FROM THE STAY

COMES NOW Kelly Banks and seeks relief from the automatic stay to prosecute a medical malpractice action against Debtor, with recovery being limited to the available insurance, and not any property of the estate, and state as follows:

1. Kelly Banks has commenced a medical malpractice action against Mercy Services Iowa City, Inc., d/b/a Mercy Towncrest Internal Medicine, a/k/a Towncrest Internal Medicine, and others, Johnson County Case No. LACV084138.
2. This case is subject to the automatic stay.
3. The Movant proposed to Debtors, through counsel, if there would be any objection to relief from the automatic stay provided the Plaintiff agrees that he will limit any recovery to the insurance company coverage provided, and will not make any claim against the assets being administered. The letter to counsel is attached.
4. Debtors' counsel responded and stated there is no objection subject to the conditions set forth in the letter.

WHEREFORE, Kelly Banks prays that the Court grant relief from the stay on the conditions that Banks will limit his claim to the insurance coverage available and make no claim against the assets being administered.

TOM RILEY LAW FIRM, P.L.C.

By: /s/Peter C. Riley
PETER C. RILEY AT006611
4040 First Avenue NE
P.O. Box 998
Cedar Rapids, IA 52406-0998
Ph.: (319) 363-4040
Fax: (319) 363-9789
E-mail: peter@trif.com

ATTORNEY FOR KELLY BANKS

PCR/pd